

REMARKS

I. Status of the Claims

Applicants have now canceled claims 1-19 from the application, and added new claims 20-25. Thus, only claims 20-25 are remaining in the case.

Claims 20-25 are directed to a method of screening peptides, oligopeptides and polypeptides to determine which are capable of serving as substrates for or inhibiting nitric oxide synthase (NOS) activity. Literal support for the claims is found throughout the specification but, in particular, on p. 28. No new matter has been added. Applicants are the first to demonstrate that peptides, oligopeptides, and polypeptides could act as substrates for or inhibitors for NOS. The prior art of record offers no teaching or motivation for persons skilled in the art to determine that such compounds would have any direct interaction with NOS (as a substrate or inhibitor).

Applicants have also amended the heading "Peptide" in Table 1 on p. 16 to read "Peptide or Oligopeptide" so that the meaning of "peptide" in the specification is consistent with that stated on p. 9 whereby it is defined as "a peptide chain having a single peptide bond." A person skilled in the art would readily understand that the failure to include "or Oligopeptide" in this heading was an inadvertent error based on the prior definitions of the terms "peptide" and "oligopeptide". No new matter has been added.

II. Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Claims 1 and 17-19 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1 and 17-19 have now been canceled, thereby rendering this ground of rejection moot.

III. Claim Rejections - 35 U.S.C. § 112, First Paragraph - Enablement

Claims 1 and 16-19 were rejected under 35 U.S.C. § 112, first paragraph, as not being enabled for preventing any disorder besides diabetes or gastrointestinal disorders. Claims 1 and 16-19 have now been canceled, thereby rendering this ground of rejection moot.

IV. Claim Rejections - 35 U.S.C. § 102

A. **Groves et al.**

Claims 1, 17, and 19 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Groves et al. As noted above, claims 1, 17, and 19 have been canceled from the application, thereby rendering the ground of rejection with respect to these claims moot.

The claims (20-25) are now directed to a method of screening peptides, oligopeptides and polypeptides to determine which are capable of serving as substrates for or inhibiting nitric oxide synthase (NOS) activity. The Examiner states that Groves describes the infusion of 10-3000 µg of kinin/l solution for shocks from various causes, such as post-surgical recovery, infections, etc. Groves does not teach or suggest Applicants' claimed method of screening compounds to determine those that are capable of serving as substrates for or inhibiting NOS activity. Thus, claims 20-25 are not anticipated or rendered obvious by Groves et al.

B. **Tobe et al.**

Claims 1, 17, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tobe et al. Claims 1, 17, and 19 have been canceled from the application, thereby rendering the ground of rejection with respect to these claims moot.

Claims 20-25 are directed to a method of screening peptides, oligopeptides and polypeptides to determine which are capable of acting as substrates for or inhibiting nitric oxide synthase (NOS) activity. The Examiner states that Tobe et al. describe administration of bradykinin during ischemia and the improvement in electrical stability of the bradykinin-treated hearts. Tobe et al. do not teach or suggest Applicants' claimed method of screening compounds to determine those that are capable of serving as substrates for or inhibiting NOS activity. Thus, claims 20-25 are not anticipated or rendered obvious by Groves et al.

C. **Uehara et al.**

Claims 1, 17-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Uehara et al. Claims 1 and 17-19 have been canceled from the application, thereby rendering the ground of rejection with respect to these claims moot.

Claims 20-25 are directed to a method of screening peptides, oligopeptides and polypeptides to determine which are capable of serving as substrates for or inhibiting nitric oxide synthase (NOS) activity. The Examiner states that Uehara discloses the administration of bradykinin to diabetic mammals. Uehara does not teach or suggest Applicants' claimed method of screening compounds to determine those that are capable of serving as substrates for or inhibiting NOS activity. Thus, claims 20-25 are not anticipated or rendered obvious by Uehara et al.

D. Hartl et al. or Palitzsch et al.

Claims 1, 17, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hartl et al. or Palitzsch et al. Claims 1 and 17-19 have been canceled from the application, thereby rendering the ground of rejection with respect to these claims moot.

Claims 20-25 are directed to a method of screening peptides, oligopeptides and polypeptides to determine which are capable of serving as substrates for or inhibiting nitric oxide synthase (NOS) activity. The Examiner states that Hartl discloses the administration of bradykinin to patients with gastrointestinal condition and that Palitzsch et al. discloses the administration of bradykinin to rats to treat ethanol induced vascular injury. Neither reference teaches or suggests Applicants' claimed method of screening compounds to determine those that are capable of serving as substrates for or inhibiting NOS activity. Thus, claims 20-25 are not anticipated or rendered obvious by Hartl et al. or Palitzsch et al.

E. U.S. Pat. No. 6,143,719

Claims 1 and 17-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,143,719 ("the '719 patent"). Claims 1 and 17-19 have been canceled from the application, thereby rendering the ground of rejection with respect to these claims moot.

Claims 20-25 are directed to a method of screening peptides, oligopeptides and polypeptides to determine which are capable of serving as substrates for or inhibiting nitric oxide synthase (NOS) activity. The Examiner states that the '719 patent discloses the administration of BK or Seq. ID #19 to rabbits to prevent platelet aggregation in coronary thrombosis and stroke.

The '719 patent does not teach or suggest Applicants' claimed method of screening compounds to determine those that are capable of serving as substrates for or inhibiting NOS activity. Thus, claims 20-25 are not anticipated or rendered obvious by the '719 patent.

F. U.S. Pat. No. 4,177,261

Claims 1 and 17-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,177,261 ("the '261 patent"). Claims 1 and 17-19 have been canceled from the application, thereby rendering the ground of rejection with respect to these claims moot.

Claims 20-25 are directed to a method of screening peptides, oligopeptides and polypeptides to determine which are capable of serving as substrates for or inhibiting nitric oxide synthase (NOS) activity. The Examiner states that the '261 patent discloses the administration of bradykinin or kallidin in order to promote the healing of wounds. The '261 patent does not teach or suggest Applicants' claimed method of screening compounds to determine those that are capable of serving as substrates for or inhibiting NOS activity. Thus, claims 20-25 are not anticipated or rendered obvious by the '261 patent.

V. Claim Rejections - 35 U.S.C. § 103

A. Chahine et al.

Claims 1, 17, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chahine. The Examiner states that Chahine et al. disclose the administration of bradykinin or des-Arg9-bradykinin to ischemic hearts to decrease fibrillation. Claims 1, 17, and 19 have been canceled from the application, thereby rendering the ground of rejection with respect to these claims moot.

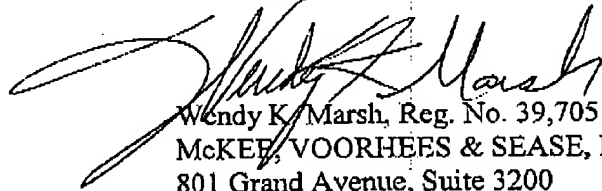
Claims 20-25 are directed to a method of screening peptides, oligopeptides and polypeptides to determine which are capable of serving as substrates for or inhibiting nitric oxide synthase (NOS) activity. Chahine et al. do not teach or suggest Applicants' claimed method of screening compounds to determine those that are capable of serving as substrates for or inhibiting NOS activity. Thus, claims 20-25 are not rendered obvious by Chahine et al.

VI. Conclusion

For the above reasons, it is believed that the present application is in a condition for allowability. Allowance is respectfully requested.

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for two months from December 9, 2003 to February 9, 2004. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$210.00 for two months to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Respectfully submitted,



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